



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** May 10, 2023

**Common Council Meeting Date:** May 17, 2023

**Item:** Special Use Permit #3-23 for a car wash

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Owner/Applicant:** Lamine Properties, LLC / Jeremie Lamine – Deep Blue Car Wash, LLC

**Address/Parcel #:** 4029 E. Calumet Street (Tax Id #31-9-5812-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for a car wash.

### BACKGROUND

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The subject site is approximately 54,680 square feet in area and was formerly used as an automobile sales lot. The property was annexed to the City with the Eisenhower Drive Annexation in 2010.

The Common Council granted a Special Use Permit for Deep Blue Car Wash on January 8, 2020. The applicant did not move forward with their project at that time; therefore, the Special Use Permit expired on January 8, 2021.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to construct a car wash as shown on the attached conceptual plans. The existing building will remain and will serve to supplement the proposed car wash, and a potential use within the existing building may be auto detailing. Site Plan Review, in accordance with Section 23-570, is required prior to construction of the proposed facility. The proposed development includes the following:

- An approximately 5,500 square foot automated car wash building with a single service bay.
- Car wash stacking spaces will be located along the west and north side of the building with the service bay entrance located on the west side of the building.
- Access will be provided via an existing and proposed driveway on Lorna Lane.
- Development will also include vacuum stations.
- Proposed hours of operation are from 8:00 AM to 8:00 PM each day.
- The proposed drive through and pay station are located in the front yard. Section 23-49(a) prohibits drive throughs in the front yard. The applicant plans to apply for a variance from the Board of Zoning Appeals. If the variance is not granted, the applicant will need to re-design the site to meet zoning code standards.

**Existing Site Conditions:** The site is approximately 54,680 square feet in size and was previously used as an auto sales lot. Access is from Lorna Lane and an existing shared drive aisle with the property to the east. Lorna Lane is classified as a local street.

**Special Use Permit #3-23**

**May 10, 2023**

**Page 2**

**Operational Information:** A plan of operation is attached to the Staff Report.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton and the Town of Buchanan. The adjacent parcels contain commercial uses.

North: Town of Buchanan. The adjacent land use to the north is commercial.

South: C-2 General Commercial District. The adjacent land use to the south is commercial (restaurant).

East: C-2 General Commercial District. The adjacent land uses to the east are a mix of commercial uses (multi-tenant building).

West: C-2 General Commercial District. The adjacent land use to the west is currently professional services (bank).

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030 Future Land Use Map*. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

*Goal 1 – Community Growth*

*Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.*

*Goal 8 – Economic Development*

*Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

*OBJECTIVE 9.4 Economic Development:*

*Ensure the continued vitality of downtown and the City's neighborhood commercial districts.*

*OBJECTIVE 10.5 Land Use:*

*Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.*

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a car wash requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

**Zoning Ordinance Requirements and Substantial Evidence:** When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements

**Special Use Permit #3-23**

**May 10, 2023**

**Page 3**

and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: 1. proper zoning district: *C-2 zoning allows car washes as a special use permit*, 2. zoning district regulations: *compliance with zoning code regulations will be reviewed with the site plan*, 3. special regulations: *not applicable to carwashes*, 4. consistent with comprehensive plan and other plans: *yes, see above analysis*, 5. traffic: *access will be provided from Lorna Lane, no concerns submitted by traffic engineer*, 6. landscaping and screening: *the landscaping will be reviewed with the Site Plan and is required to be consistent with zoning ordinance standards*, 7. neighborhood compatibility: *the proposed use is located adjacent to existing commercial uses*, and 8. impact on services: *there are existing utilities, services and equipment in place to serve this proposed use*. These standards were found in the affirmative, as long as all stipulations are satisfied.

**Technical Review Group (TRG) Report:** This item was discussed at the April 18, 2023 Technical Review Group meeting. No negative comments were received.

**RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #3-23 for a car wash at 4029 E. Calumet Street (Tax Id #31-9-5812-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The owner shall have twelve (12) months from the issuance of the Special Use Permit to obtain a building permit and/or occupancy permit for the proposed carwash or Special Use Permit #3-23 will expire pursuant to Sections 23-66 (f)(1) b. and c. of the Zoning Ordinance.

*Substantial Evidence: Standardized condition to ensure the use is established in a timely manner. This condition will not be applicable when the building permit and/or occupancy permit is issued.*

2. Prior to the construction of the carwash and building permits being issued, site plan review and approval is required, pursuant to Section 23-570 of the Municipal Code.

*Substantial Evidence: This condition provides notice to the owner and applicant that they are required to receive site plan approval from the Community and Economic Development Department prior to receiving building permits from the Inspection Division for the project pursuant to Section 23-570(e)4) of the Zoning Ordinance.*

3. All Zoning, Building, Fire, Engineering, Utility, Noise and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

*Substantial Evidence: This condition assures the applicant understands they must follow the City’s Municipal Code and all applicable State and Federal laws which they are required to follow while conducting business in the City; failure to follow City, State and Federal regulations may result in enforcement action pursuant to Sections 1-16, 1-17, 23-66(f)(5) and 23-69 of the Municipal Ordinance.*

**Special Use Permit #3-23**

**May 10, 2023**

**Page 4**

4. Any future expansions of the carwash, changes to the plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

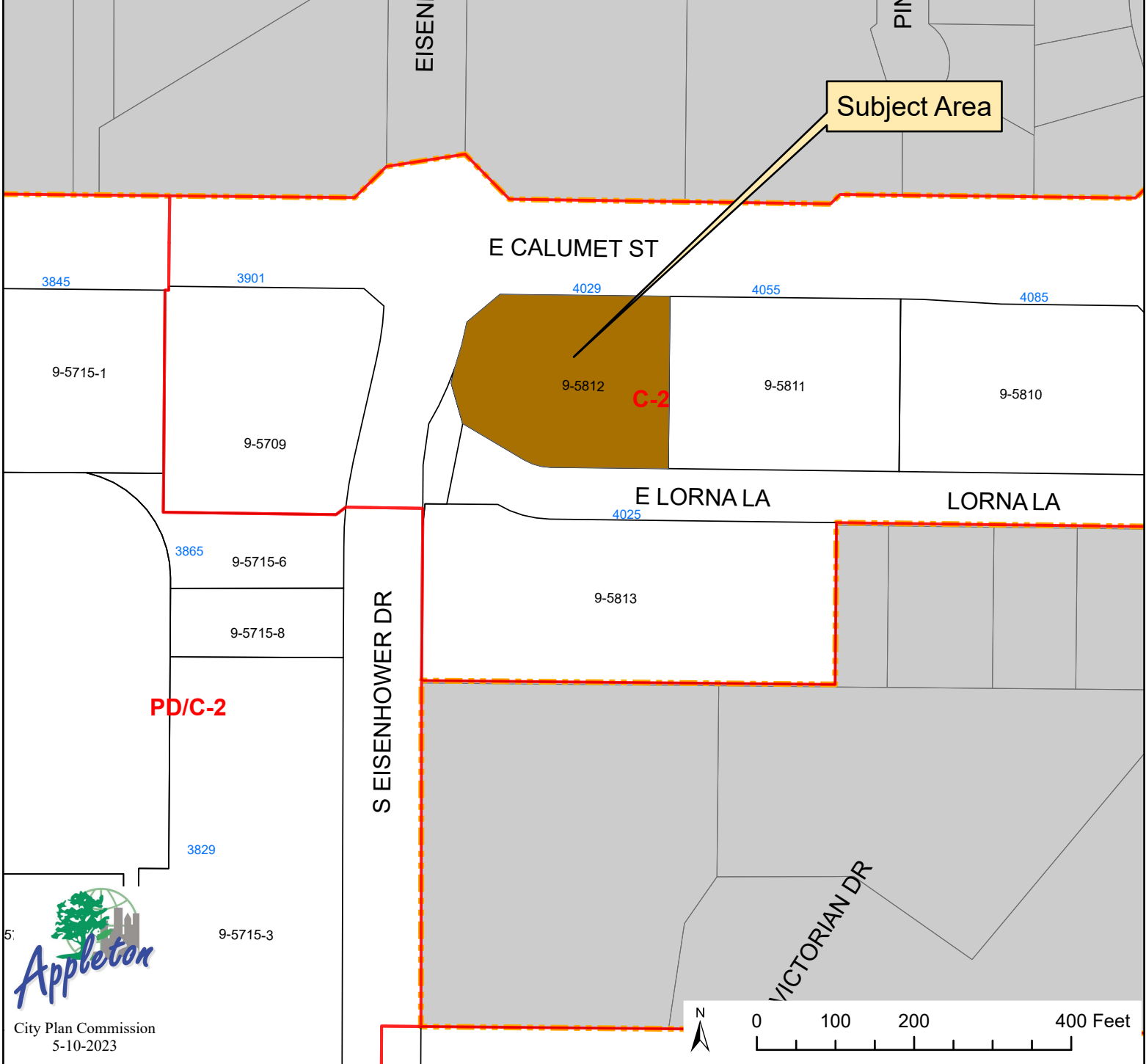
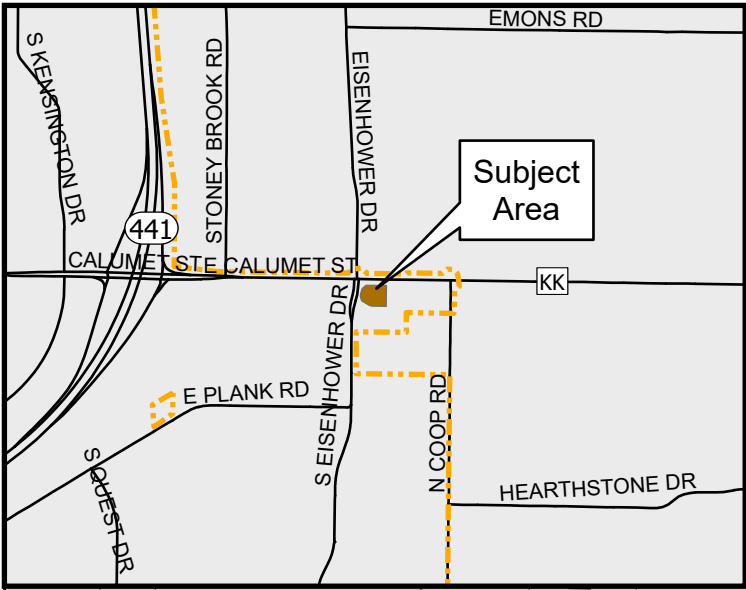
5. The proposed drive through and pay station are located in the front yard. Section 23-49(a) prohibits drive throughs in the front yard. The applicant plans to apply for a variance from the Board of Zoning Appeals. If a variance is not granted, the applicant will need to re-design the site to meet Zoning Code standards.

*Substantial Evidence: This condition provides notice to the owner and applicant that they are required to either comply with Section 23-49 (Drive throughs) of the Zoning Code or apply for a variance for the drive through in the front yard.*

6. Once a new use has been established on this property, the use of the property for automobile sales shall expire and shall be discontinued. Future use of the property for automobile sales, or other proposed uses, shall be reviewed in accordance with applicable Zoning Code standards.

*Substantial Evidence: This condition provides notice to the owner and applicant that once the car wash use is established on this parcel, the existing rights to sell automobiles is eliminated and future uses would be reviewed in accordance with applicable Zoning Code standards.*

4029 E. Calumet Street  
Special Use Permit  
Car Wash  
Vicinity Map



4029 E. Calumet Street  
Special Use Permit  
Car Wash  
Aerial Map

City Limits

EISENHOWER DR

E CALUMET ST

4029

4025

Subject Area

9-5812

9-5813

S EISENHOWER DR

E LORNALA

4025

9-5813



**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #3-23  
CAR WASH  
4029 E. CALUMET STREET**

**WHEREAS**, Jeremie Lamine (Deep Blue Car Wash, LLC) has applied for a Special Use Permit for car wash located at 4029 E. Calumet Street, also identified as Parcel Number 31-9-5812-00; and

**WHEREAS**, the proposed car wash is located in the C-2 General Commercial District, and the proposed uses may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on May 10, 2023 on Special Use Permit #3-23, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #3-23 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

**WHEREAS**, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on May 17, 2023.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-23 for a car wash located at 4029 E. Calumet Street (also identified as Parcel Number 31-9-5812-00), based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-23 for a car wash located at 4029 E. Calumet Street (also identified as Parcel Number 31-9-5812-00), subject to the following

conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #3-23**

- A. The owner shall have twelve (12) months from the issuance of the Special Use Permit to obtain a building permit and/or occupancy permit for the proposed carwash or Special Use Permit #3-23 will expire pursuant to Sections 23-66 (f)(1) b. and c. of the Zoning Ordinance.
  - B. Prior to the construction of the carwash and building permits being issued, site plan review and approval is required, pursuant to Section 23-570 of the Municipal Code.
  - C. All Zoning, Building, Fire, Engineering, Utility, Noise and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - D. Any future expansions of the carwash, changes to the plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
  - E. The proposed drive through and pay station are located in the front yard. Section 23-49(a) prohibits drive throughs in the front yard. The applicant plans to apply for a variance from the Board of Zoning Appeals. If a variance is not granted, the applicant will need to re-design the site to meet Zoning Code standards.
  - F. Once a new use has been established on this property, the use of the property for automobile sales shall expire and shall be discontinued. Future use of the property for automobile sales, or other proposed uses, shall be reviewed in accordance with applicable Zoning Code standards.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk



## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Deep Blue Car Wash, LLC

Years in operation: 15 Years D.B.A. Best Car Wash, LLC

Type of proposed establishment (detailed explanation of business):

An Exterior Express Car Wash is proposed to be constructed on the parcel as shown on the included preliminary site plan. The existing building on the parcel will remain. The use of the existing building is unknown at this time but it would likely serve to supplement the proposed car wash business. The use would likely be automotive detailing.

### Proposed Hours of Operation:

Day	From	To
Week Day	8:00am	8:00pm
Friday	8:00am	8:00pm
Saturday	8:00am	8:00pm
Sunday	8:00am	8:00pm

### Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 26 persons

Gross floor area of the existing building(s):

2,200 square feet

Gross floor area of the proposed building(s):

Approximately 5,500 square feet

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

None

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

None

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**Describe Any Potential Noise Emanating From the Proposed Use:**

Describe the noise levels anticipated from all mechanical equipment:

There will be dyers located within the building at the exit of the car wash bay. There will also be vacuums located outside of the building, along the south side of the building. Refer to the site plan included with this application.

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How will the noise be controlled?

The dryers will be new state of the art dryers. The dryers will be located within the proposed building and will be mounted in a position where noise will be directed primarily into the car wash bay. The external vacuums will consist of a central vacuum system with motor(s) located within the proposed building. Hours of operation would be 8:00am-8:00pm seven days a week.

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**Outdoor Lighting:**

Type: LED

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Location: Existing outdoor lighting will remain in place with the exception of a couple light poles that will need to be relocated to accommodate building construction. Additional LED lighting and decorative lighting will be installed as needed.

**Off-Street Parking:**

Number of spaces existing: Used car lot

Number of spaces proposed: 15

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Site access is adequate. There is an ingress/egress easement that has been established with the property to the east. In addition, there is access to Lorna Lane.

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A right-in/right-out access or a right-in only access from

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Eisenhower Drive to Lorna Lane would be desirable but not required.

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Adequate room for vehicle stacking is provided on the included site plan

**Outdoor Uses:**

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

None

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Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

None

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Type, location, size of outdoor display area(s) of merchandise for sale:

None

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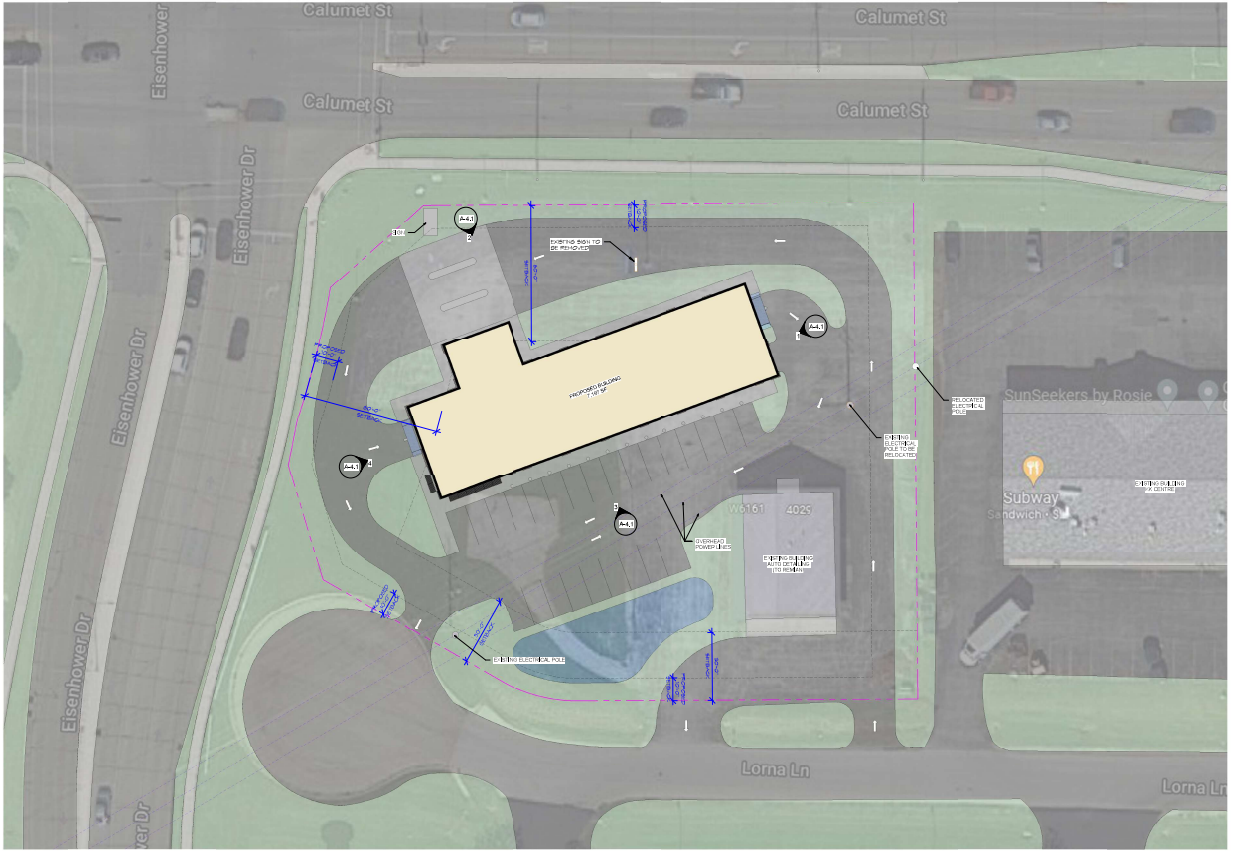
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**Number of Employees:**

Number of existing employees: Unknown

Number of proposed employees: 3

Number of employees scheduled to work on the largest shift: 3



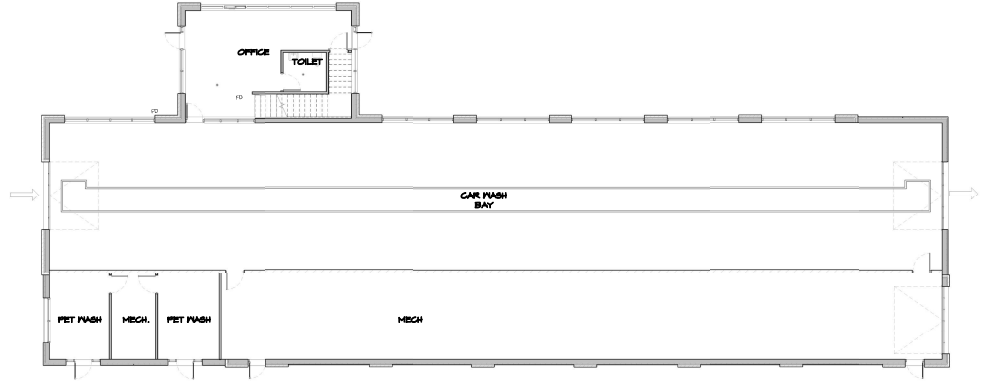
**SITE PLAN - OPTION 1**  
1" = 20'-0"

**Gries**  
Architectural Group Inc.  
2800 W. Center Ave., Suite 100  
Appleton, WI 54912  
Phone: 920.839.5500  
Fax: 920.839.5501

A NEW BUILDING FOR:  
**DEEP BLUE CAR WASH, LLC**  
APPLETON, WISCONSIN

DATE: 01-24-2025  
BY: [Signature]  
REV: [Signature]

**A-0.1**



FIRST FLOOR PLAN  
1/8" = 1'-0"



SECOND FLOOR PLAN  
1/8" = 1'-0"

Gries  
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1000 Lakeshore Drive  
Appleton, WI 54911  
920.833.8888



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A NEW BUILDING FOR:  
**DEEP BLUE CAR WASH, LLC**  
APPLETON, WISCONSIN

Date: 03-14-2020

Proj: 20-052

d. by: JTB

rev:

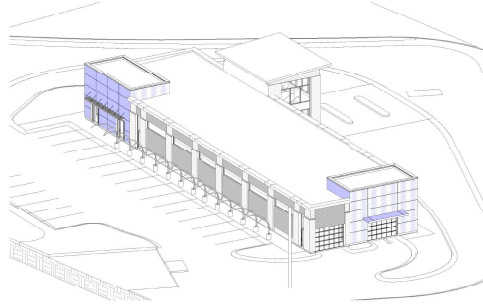
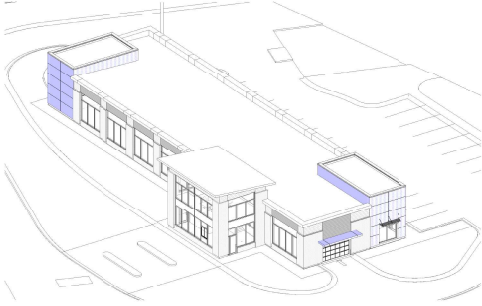
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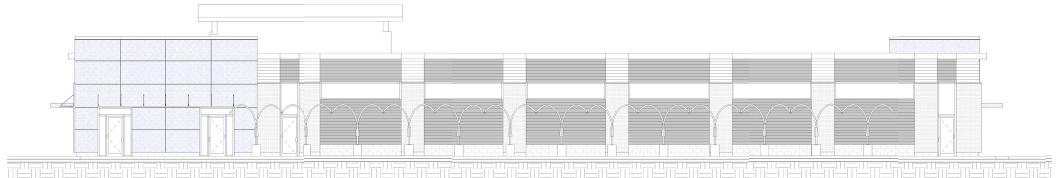
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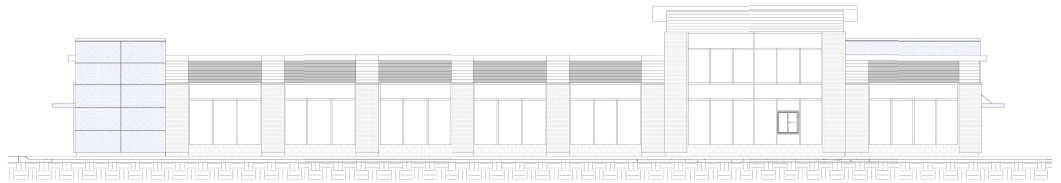
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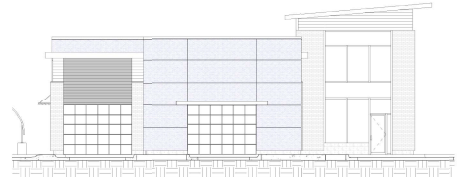
WEST ELEVATION  
1/8" = 1'-0"



SOUTH ELEVATION  
1/8" = 1'-0"



NORTH ELEVATION  
1/8" = 1'-0"



EAST ELEVATION  
1/8" = 1'-0"



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A NEW BUILDING FOR:  
**DEEP BLUE CAR WASH, LLC**  
APPLETON, WISCONSIN

Date: 03-14-2023  
Proj: 20-071  
Dwg: 210  
Rev: \_\_\_\_\_

A-4.1